

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Promote
Consistency in Methodology and Input
Assumptions in Commission Applications of
Short-Run and Long-run Avoided Costs,
Including Pricing for Qualifying Facilities.

Rulemaking 04-04-025
(Filed April 22, 2004)

**ADMINISTRATIVE LAW JUDGE'S RULING
ON NOTICES OF INTENT TO CLAIM COMPENSATION**

1. Summary

The Green Power Institute (GPI), the Natural Resources Defense Council (NRDC), and The Utility Reform Network (TURN) each timely filed a Notice of Intent (NOI) to Claim Intervenor Compensation in this proceeding (NOI). Pursuant to Public Utilities Sections 1801 to 1812,¹ this ruling addresses whether these customers will be eligible for awards of compensation.

2. Customer Category

Section 1802(b) defines "customer" in three ways: a participant representing utility consumers, a representative authorized by a customer, and a representative of a group or organization that is authorized by its articles of incorporation or bylaws to represent the interests of residential customers or certain small commercial customers. Each of the customers whose NOI is

¹ All statutory references are to the Public Utilities Code.

addressed herein is a “Category 3” customer, i.e., one that is authorized pursuant to its bylaws to represent residential customers.

3. Adequacy of Representation

GPI represents environmental interests, with an emphasis on renewable resources. NRDC focuses on representing its members’ interest in the utility industry’s delivery of cost-effective energy efficiency programs, renewable energy resources and other sustainable energy alternatives, while minimizing the societal cost of energy delivery. TURN is likely to be one of the few intervenors that will represent solely residential and small commercial customers.

4. Significant Financial Hardship

For Category 3 customers, “significant financial hardship” means that the economic interest of the individual members of the group or organization is small in comparison to the costs of effective participation in the proceeding. (§ 1802(g).) Section 1804(b) provides in part that:

A finding of significant financial hardship shall create a rebuttable presumption of eligibility for compensation in other commission proceedings commencing within one year of the date of that finding.

GPI, NRDC and TURN each received a finding of significant financial hardship in a ruling issued by Administrative Law Judge Wetzell in Rulemaking (R.) 04-04-003, dated July 27, 2004. NRDC also received a finding of significant financial hardship in a ruling issued by Administrative Law Judge Wong in R.01-01-025 dated August 24, 2004. This proceeding commenced within one year of the date of these findings, therefore the rebuttable presumption applies and GPI, NRDC and TURN have demonstrated significant financial hardship within the meaning of § 1802(g).

5. Nature and Extent of Planned Participation

The NOI must include a statement of the nature and extent of the customer's planned participation as far as it is possible to set out when the NOI is filed. (§ 1804(a)(2)(A)(i).) GPI, NRDC and TURN have complied with this requirement by indicating that they plan active participation. Each of them also states its intent to coordinate its participation with other groups to the extent possible to avoid duplication. In view of the legislative intent expressed in Pub. Util. Code § 1801.3(f) that the Commission administer its intervenor compensation program in a manner that avoids unproductive or unnecessary participation, as well as the potential for overlapping participation, especially among environmental groups, this is appropriate.

6. Itemized Estimate of Costs of Participation

The NOI must include an itemized estimate of the compensation that the customer expects to request, given the likely duration of the proceeding as it appears at the time the NOI is filed. (§ 1804(a)(2)(A)(ii).) GPI, NRDC and TURN have complied with this requirement. The total estimated amounts are listed below:

Intervenor	Estimated Compensation Request
GPI	\$ 84,000
NRDC	\$ 14,000
TURN	\$ 213,000

IT IS RULED that the Green Power Institute, the Natural Resources Defense Council and The Utility Reform Network are each eligible for an award of intervenor compensation. The exact amounts of such awards, if any, shall be based on the reasonableness of their respective requests for awards. This ruling “in no way ensures compensation.” (§ 1804(b)(2).) The Commission may audit the records and books of the customer to the extent necessary to verify the basis of the award. (§ 1804(d).)

Dated August 24, 2005, at San Francisco, California.

/s/ JULIE M. HALLIGAN

Julie M. Halligan
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by electronic mail to those who provided electronic mail addresses, and by U.S. mail to those who did not provide e-mail addresses, this day served a true copy of the original attached Administrative Law Judge's Ruling on Notices of Intent to Claim Compensation on all parties of record in this proceeding or their attorneys of record.

Dated August 24, 2005, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.